

REMARKS

The Office Action mailed November 14, 2008 has been given careful consideration by the applicants. Claims 5 and 6 have been cancelled. Claims 1-4 and 7-18 remain in the application.

Reexamination and reconsideration of the application is respectfully requested in view of the comments and amendments herein.

The Office Action

The Examiner rejected claims 1-18 under 35 U.S.C. §103(a) as being unpatentable over Ye *et al.* (U.S. 7,171,190) in view of Collins (U.S. 6,424,828).

The Claims Patentably Distinguish Over the Cited Documents

The Examiner rejected claims 1-18 under 35 U.S.C. §103(a) as being unpatentable over Ye *et al.* in view of Collins. This rejection should be withdrawn for at least the following reasons. The cited portions of the references, whether taken alone or in combination, fail to disclose or suggest the subject claims.

The claimed subject matter relates to supporting messaging between SMS subscribers and IM subscribers. In particular, independent claim 1 recites a *second network element including a second destination parser module operative to analyze destination data of an IM message to determine if the destination data of the IM message is an e-mail address*. The cited references fail to disclose or suggest the subject claim.

The Examiner concedes that Ye *et al.* fails to disclose or suggest a *second network element including a second destination parser module operative to analyze destination data of an IM message to determine if the destination data of the IM message is an e-mail address*. To cure this deficiency, the Examiner offers Collins.

Collins appears to disclose a system that can convert SMS messages to email messages through the use of an Internet server. Email messages can also be converted to SMS messages and transmitted to a mobile phone. However, Collins relates strictly to email messages, which are distinctly and materially different than instant messages. Email messages relate to a relatively non-instantaneous method of

communication, which is different than the claimed subject matter. Thus, the cited reference fails to analyze destination data of an IM message, or determine if the destination data of the IM message is an email address. Accordingly, the cited reference fails to disclose or suggest *a second network element including a second destination parser module operative to analyze destination data of an IM message to determine if the destination data of the IM message is an e-mail address*, as claimed.

Furthermore, independent claim 9 recites *processing the SMS message for transmission as an IM message through a gateway for a data network if the destination data is not a telephone number*. Claims 11, 13 and 15 recite a similar feature. The cited references, whether taken alone or in combination, also fail to disclose or suggest this claimed aspect.

Ye *et al.* appears to disclose transmission of one message to a user with multiple devices; however, Ye *et al.* does not appear to disclose analysis of whether the SMS message is a telephone number, and processing the message as an IM message based on that analysis. Furthermore, as noted above, Collins fails to disclose conversion of SMS messages to instant messages, and relates to conversion of SMS messages to email messages, which are different than instant messages. Accordingly, the cited references cannot be combined to disclose or suggest *processing the SMS message for transmission as an IM message through a gateway for a data network if the destination data is not a telephone number*, as claimed.

In view of the foregoing, it is readily apparent that neither of the cited references disclose or suggest each and every element of the claimed subject matter. Accordingly, the cited references cannot be combined to render the subject claims obvious, and it is respectfully requested that this rejection be withdrawn.

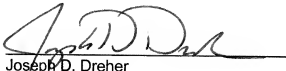
CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-4 and 7-20) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Joseph D. Dreher, at (216) 363 - 9000.

Respectfully submitted,

FAY SHARPE LLP

A handwritten signature in dark ink, appearing to read 'Joseph D. Dreher', is written over a horizontal line.

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Date